

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada Bar Number 13644
JARED L. GRIMMER
3 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
4 Las Vegas, Nevada 89101
Telephone: 702-388-6336
5 jared.l.grimmer@usdoj.gov

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NOV 24 2020	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

6 | *Attorneys for Plaintiff
The United States of America*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

9 | UNITED STATES OF AMERICA.

Case No. 2:20-mj-01001-DJA

0 Plaintiff,

**Stipulation to Extend
Deadlines to Conduct
Preliminary Hearing and
File Indictment (First Request)**

2 ARMANDO MARIONI-CAMUNEZ,
3 aka "Armando Villa-Aguilar,"
4 aka "Luis Rodriguez-Marioni,"
5 aka "Armondo Villa Torres,"
6 aka "Armondo Camunez."
7 aka "Abel David Flores,"
8 aka "Luis Fermenado Hernandez-Romero,"
9 aka "Armando Marione,"
10 aka "Armondo Marione,"
11 aka "Armando Marione-Camunez,"
12 aka "Armando Rodriguez Salazar,"
13 aka "Armando Arma Rodriguez-Salazar."

Defendant.

IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.

23 Trutanich, United States Attorney, and Jared L. Grimmer, Assistant United States

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1 Attorney, counsel for the United States of America, and Sylvia A. Irvin, Assistant Federal
2 Public Defender, counsel for Defendant ARMANDO MARIONI-CAMUNEZ, that the
3 Court schedule the preliminary hearing in this case for no earlier than 90 days from the
4 date of the filing of this stipulation. This request requires that the Court extend two
5 deadlines: (1) that a preliminary hearing be conducted within 14 days of a detained
6 defendant's initial appearance, *see* Fed. R. Crim. P. 5.1(c); and (2) that an information or
7 indictment be filed within 30 days of a defendant's arrest, *see* 18 U.S.C. § 3161(b).

8 This stipulation is entered into for the following reasons:

9 1. The United States Attorney's Office has developed an early disposition
10 program for immigration cases, authorized by the Attorney General pursuant to the
11 PROTECT ACT of 2003, Pub. L. 108-21.

12 2. The early disposition program for immigration cases is designed to: (1)
13 reduce the number of hearings required in order to dispose of a criminal case; (2) avoid
14 having more cases added to the court's trial calendar, while still discharging the
15 government's duty to prosecute federal crimes; (3) reduce the amount of time between
16 complaint and sentencing; and (4) avoid adding significant time to the grand jury calendar
17 to seek indictments in immigration cases, which in turn reduces court costs.

18 3. The government has made a plea offer in this case that requires defendant to
19 waive specific rights and hearings in exchange for "fast-track" downward departure under
20 USSG § 5K3.1. This offer will be withdrawn if it is not timely accepted before this matter is
21 indicted and before a preliminary hearing is held.

22 4. Under Federal Rule of Criminal Procedure 5.1(c), the Court "must hold the
23 preliminary hearing within a reasonable time, but no later than 14 days after the initial
24 appearance if the defendant is in custody . . ."

1 5. However, under Rule 5.1(d), “[w]ith the defendant’s consent and upon a
2 showing of good cause—taking into account the public interest in the prompt disposition of
3 criminal cases—a magistrate judge may extend the time limits in Rule 5.1(c) one or more
4 times . . .”

5 6. Furthermore, under the Speedy Trial Act, 18 U.S.C. § 3161(b), “[a]ny
6 information or indictment charging an individual with the commission of an offense shall
7 be filed within thirty days from the date on which such individual was arrested or served
8 with a summons in connection with such charges.”

9 7. Defendant needs additional time to review t

10 8. he discovery and investigate potential defenses to make an informed decision
11 as to how to proceed, including whether to accept the fast-track plea agreement.

12 9. Accordingly, the parties jointly request that the Court schedule the
13 preliminary hearing in this case no sooner than 90 days from today’s date.

14 10. Defendant is in custody and agrees to the extension of the 14-day deadline
15 imposed by Rule 5.1(c) and waives any right to remedies under Rule 5.1(c) or 18 U.S.C.
16 § 3161(b), provided that the information or indictment is filed on or before the date ordered
17 pursuant to this stipulation .

18 11. The parties agree to the extension of that deadline.

19 12. This extension supports the public interest in the prompt disposition of
20 criminal cases by permitting defendant to consider entering into a plea agreement under the
21 United States Attorney’s Office’s fast-track program for § 1326 defendants.

22 13. Accordingly, the additional time requested by this stipulation is allowed
23 under Federal Rule of Criminal Procedure 5.1(d).

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1 14. In addition, the parties stipulate and agree that the time between today and
2 the scheduled preliminary hearing is excludable in computing the time within which the
3 defendant must be indicted and the trial herein must commence pursuant to the Speedy
4 Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), considering the factors under 18 U.S.C.
5 § 3161(h)(7)(B)(i) and (iv).

6 15. This is the first request for an extension of the deadlines by which to conduct
7 the preliminary hearing and to file an indictment.

8 DATED this 24th day of November, 2020.

Respectfully submitted,

NICHOLAS A. TRUTANICH
United States Attorney

/s/ *Sylvia A. Irvin*
Assistant Federal Public Defender
Counsel for Defendant ARMANDO
MARIONI-CAMUNEZ

/s/ Jared L. Grimmer
JARED L. GRIMMER
Assistant United States Attorney

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Case No. 2:20-mj-01001-DJA

Plaintiff,

v.

ARMANDO MARIONI-CAMUNEZ,
aka "Armando Villa-Aguilar,"
aka "Luis Rodriguez-Marioni,"
aka "Armondo Villa Torres,"
aka "Armondo Camunez."
aka "Abel David Flores,"
aka "Luis Fernando Hernandez-Romero,"
aka "Armando Marione,"
aka "Armondo Marione,"
aka "Armando Marione-Camunez,"
aka "Armando Rodriguez Salazar,"
aka "Armando Arma Rodriguez-Salazar,"

**[Proposed] Order on Stipulation
to Extend Deadlines to Conduct
Preliminary Hearing and
File Indictment**

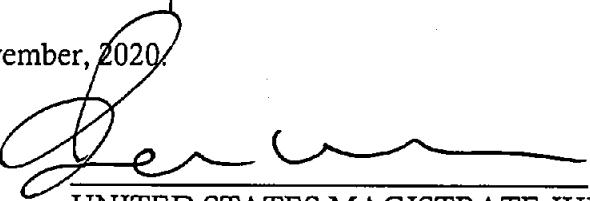
Defendant.

Based on the stipulation of counsel, good cause appearing, and the best interest of justice being served; the time requested by this stipulation being excludable in computing the time within which the defendant must be indicted and the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b) and (h)(7)(A), and Federal Rule of Criminal Procedure 5.1, considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv);

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1 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled
2 on _____, 2020 at the hour of 4:00 p.m., be vacated and continued to
3 12/22/21, Courtroom #34 at the hour of 4:00 pm.

4 DATED this ____ day of November, 2020.
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6 UNITED STATES MAGISTRATE JUDGE

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